

**No. 03-19-00198-CV**

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FILED IN  
3rd COURT OF APPEALS  
AUSTIN, TEXAS  
9/16/2019 12:00:00 AM  
JEFFREY D. KYLE  
Clerk

In the Court of Appeals  
Third Judicial District

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**Madeleine Connor,**  
*Appellant*

VS.

**Douglas Hooks and Elizabeth Hooks,**  
*Appellees*

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**APPELLANT'S MOTION TO REMOVE ELIZABETH HOOKS FROM  
THE STYLE OF THIS APPEAL AND AS AN APPELLEE**

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MADELEINE CONNOR  
Texas Bar No. 24031897  
P.O. Box 161962  
Austin, Texas 78716-1962  
Phone (512) 289-2424  
Fax (512) 329-5229  
**ATTORNEY PRO SE FOR APPELLANT**

TO THE HONORABLE THIRD COURT OF APPEALS:

COMES NOW, Appellant Madeleine Connor, and files this her motion to remove Elizabeth Hooks from the style of this case and as an appellee.

After careful review of the record and the operative trial court orders, it appears that the trial court did not make any rulings on Appellee Elizabeth Hooks' motion to find Connor vexatious, or order any incidental relief to Elizabeth Hooks—even though Mrs. Hooks' motion was virtually identical to her spouse's motion, Appellee Douglas Hooks. See Ex. 1. And similarly, the trial court did not include Elizabeth Hooks as a party or movant in any operative order or award any relief to her in its findings of fact and conclusions of law. See Ex. 2. Further, Connor's notice of appeal did not mention Elizabeth Hooks. See Ex. 3.

Therefore, Connor voluntarily moves the Court to remove “Elizabeth Hooks” only as a party to this appeal.

Respectfully submitted,

/s/ Madeleine Connor

MADELEINE CONNOR

Texas Bar No. 24031897

P.O. Box 161962

Austin, Texas 78716-1962

Phone (512) 289-2424

Fax (512) 329-5229 (fax)

**ATTORNEY PRO SE FOR APPELLANT**

### **CERTIFICATE OF CONFERENCE**

I certify that I attempted to confer with counsel for Elizabeth Hooks and Douglas Hooks on the 29th day of August, 2019, by electronic mail to: Robert Nunis at bnunis@nunislaw.com, and Sherry Rasmus at sgrasmus@rasmusfirm.com. An associate from Robert Nunis' firm, Stephanie Criscione, responded to the conference request, but did not provide a substantive response to Appellant's request to remove her client from the style of the case; therefore, the motion is presumed to be opposed.

/s/ Madeleine Connor  
Madeleine Connor

### **CERTIFICATE OF SERVICE**

I certify that this instrument was served by electronic service on the following persons on the 14th day of September, 2019: Robert Nunis at bnunis@nunislaw.com, and Sherry Rasmus at sgrasmus@rasmusfirm.com.

/s/ Madeleine Connor  
Madeleine Connor

CAUSE NO. D-1-GN-18-005130

MAR 08 2019  
At 4:02 p.m.  
Valva L. Price, District Clerk

IN RE MADELEINE CONNOR,  
Petitioner

v.

DOUGLAS HOOKS and  
ELIZABETH HOOKS,  
Respondent

§ IN THE DISTRICT COURT  
§  
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§  
§ 201<sup>st</sup> JUDICIAL DISTRICT  
§  
§  
§ TRAVIS COUNTY, TEXAS

**ORDER DETERMINING PLAINTIFF A VEXATIOUS LITIGANT**

On January 23, 2019, the Court heard Respondent Douglas Hooks' Motion to Deem Plaintiff Madeleine Connor a Vexatious Litigant in the above-styled and numbered cause.

In making this order, the Court considered the Respondents' Motion, evidence presented at the hearing, supplemental evidence Petitioner Madeleine Connor requested and was granted leave to file after the hearing, and arguments of the Parties. The Court notes that prior to the January 23, 2019 hearing, on January 22, 2019 at 10:06 p.m. Madeleine Connor filed another lawsuit against Respondents (Cause No. D-1-GN-19-000428, *Madeleine Connor v. Douglas Hooks, Elizabeth Hooks and Jane/John Does 1-14*, 459<sup>th</sup> Judicial District Court of Travis County Texas), and did not mention the filing of this suit at any time during the approximately one and a half hour hearing held on January 23, 2019. Additionally, the Court takes judicial notice that on January 24, 2019 at 6:35 a.m. Madeleine Connor filed a Notice of Non-suit with Prejudice in this cause of action, Cause No. D-1-GN-18-005130. Although Section 11.055 of the Texas Civil Practice and Remedies Code requires the Court to order plaintiff to furnish a security, in this instance Plaintiff Madeleine Conner has non-suited her case with prejudice and therefore a security is no longer necessary and will be dismissed as moot.



The Court finds that in the seven year-period immediately preceding the date Respondent Douglas Hooks filed his motion under Section 11.051 of the Texas Civil Practice and Remedies Code, Petitioner Madeleine Connor had commenced, prosecuted, or maintained at least five litigations as a pro se litigant other than in small claims court that have been finally determined adversely to Madeleine Connor as required by Section 11.054(1) of the Texas Civil Practice and Remedies Code.

The Court further finds that Madeleine Connor was declared a vexatious litigant by United States District Judge Robert Pitman on August 30, 2018 in Cause NO. 1:17-CV-827-RP, filed in the United States District Court For the Western District of Texas, Austin Division, styled *Madeleine Conner, Plaintiff v. Leah Stewart, Eric Castro, and Chuck McCormick*. The Court notes that Madeleine Connor is appealing Judge Pittman's ruling that she is a vexatious litigant and that such appeal is currently pending before the United States Court of Appeals for the Fifth Circuit, Cause No. 18-50815, styled *Madeleine Connor v. Leah Stewart et al.*

The Court finds that Defendant Douglas Hooks' Motion to Deem Plaintiff Madeleine Connor a Vexatious Litigant pursuant to Section 11.051 *et seq.* of the Texas Civil Practice and Remedies Code should be GRANTED.

Therefore, it is ORDERED that Madeleine Connor is a vexatious litigant as that term is defined by Section 11.054 of the Texas Civil Practice and Remedies Code.

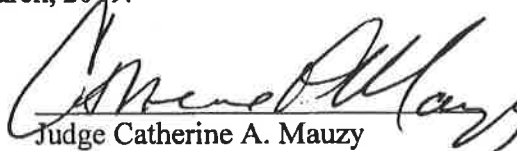
It is further ORDERED that Plaintiff Madeleine Connor, having been found to be a vexatious litigant, is prohibited from filing, on her own behalf as a pro se litigant, any new litigation in any state district or statutory county court in Texas, against any party, as provided by Section 11.102 of the Texas Civil Practice and Remedies Code as follows:

PERMISSION BY LOCAL ADMINISTRATIVE JUDGE. (a) A vexatious litigant subject to a profiling order under Section 11.101 is prohibited from filing, pro se, new litigation in a court to which the order applies without seeking the permission of:

- (1) the local administrative judge of the type of court in which the vexatious litigant intends to file, except as provided by Subdivisions (2); or
- (2) the local administrative district judge of the county in which the vexatious litigant intends to file if the litigant intends to file in a justice or constitutional county court.
- (3) a vexatious litigant subject to a pre-filing order under Section 11.101 who files a request seeking permission to file litigation shall provide a copy of the request to all defendants named in the proposed litigation.

The Court finds that Madeleine Connor is an attorney licensed to practice law in the State of Texas. It is therefore ORDERED that this order is applicable only to cases in which Plaintiff Madeleine Conner is acting as a pro se litigant.

SIGNED on this the 8 day of March, 2019.

  
Judge Catherine A. Mauzy

CAUSE NO. D-1-GN-18-005130

APR 08 2019 LSH

At 11:13 a.m.  
Melva C. Price, District Clerk

In re MADELEINE CONNOR,  
Petitioner,

v.

DOUGLAS HOOKS and ELIZABETH HOOKS  
Respondents.

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§

IN THE DISTRICT COURT, District Clerk

201<sup>st</sup> JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On January 23, 2019, Respondent Douglas Hooks' *Motion to Deem Plaintiff Madeleine Connor a Vexatious Litigant* in the above-referenced cause came for a bench trial before the Court. Present at this hearing were pro se Petitioner Madeleine Connor, Respondent Douglas Hooks attorneys, Sherry Rasmus and Ross Pringle, as well as Respondent Elizabeth Hooks' attorney, and Robert Nunis. Also appearing was Scott Tschirhart as attorney Amicus Curiae. All questions of fact and law were submitted to the Court for determination. The record of the testimony was duly reported by Leah Hayes, the Court Reporter for the 419<sup>th</sup> Judicial District Court of Travis County, Texas.

On March 8, 2019, the Court signed its *Order Determining Plaintiff a Vexatious Litigant*. On March 19, 2019, Petitioner filed her Request for Findings of Fact and Conclusions of Law, as well as her First Amended Request for Findings of Fact and Conclusions of Law, in accordance with rule 296 and 297 of the Texas Rules of Civil Procedure. To the extent that any findings of fact made by this Court should properly be considered conclusions of law, and to the extent that any conclusions of law made by this Court should properly be considered findings of fact, it is the express intent of the Court that any statement identified herein as a finding of fact also be deemed a conclusion of law and any statement identified herein as a conclusion of law shall also be deemed a finding of fact.

After considering the Court's file, the pleadings, the credible, admissible evidence, and the argument of counsel, Pursuant to Tex. R. Civ. P. 297, the Court makes the following findings of fact and conclusions of law:



### **FINDINGS OF FACT**

1. Madeleine Connor is the Plaintiff in Cause No. D-1-GN-18-005130.
2. Madeleine Connor is an attorney licensed to practice law in the State of Texas.
3. As a result of the proceedings in this case, Madeleine Connor is listed as a vexatious litigant in the State of Texas on the website [www.txcourts.gov/judicial-data/vexatious-litigants](http://www.txcourts.gov/judicial-data/vexatious-litigants).
4. Douglas Hooks and Elizabeth Hooks are the Defendants in Cause No. D-1-GN-18-005130.
5. On October 30, 2019, Respondent Douglas Hooks filed his *Motion to Deem Plaintiff Madeleine Connor a Vexatious Litigant* in Cause No. D-1-GN-18-005130. Respondent's pleading expressly states that he is seeking to have Petitioner deemed a vexatious litigant per Texas Civil Practice and Remedy Code, Section 11.054(3).
6. On January 22, 2019, one day prior to the vexatious litigant hearing, Petitioner, Madeleine Connor, filed her special exceptions to Respondent Douglas Hooks' *Motion to Deem Plaintiff Madeleine Connor a Vexatious Litigant*.
7. On January 22, 2019 at 10:06 p.m., Madeleine Connor filed Cause No. D-1-GN-19-000428, *Madeleine Connor v. Douglas Hooks, Elizabeth Hooks and Jane/John Does 1-14*, in the 459<sup>th</sup> Judicial District Court of Travis County, Texas.
8. On January 23, 2019, prior to beginning a hearing on Douglas Hooks' *Motion to Deem Plaintiff Madeleine Connor a Vexatious Litigant*, Judge Mauzy stated on the record that she had once acted as opposing counsel in an unrelated case in which Madeleine Connor was a party and ask if there was an objection to her presiding in this case. In response to Judge Mauzy's inquiry Madeleine Connor stated on the record that she had no objection to Judge Mauzy presiding.
9. On January 23, 2019, the Court heard argument on Douglas Hooks' Motion to Declare Madeleine Connor a Vexatious Litigant and took the matter under advisement.
10. At no time during the January 23, 2019 hearing did Madeleine Connor inform the Court, Respondents or Opposing Counsel that she had filed a new suit against them on January 22, 2019.



11. On January 24, 2019, at 6:35 a.m., Petitioner Madeleine Connor filed a Notice of Non-suit with Prejudice in Cause No. D-1-GN-18-005130.
12. On January 28, 2019, Petitioner Madeleine Connor filed *Petitioner's Verified Motion to Disqualify Judge Mauzy and Petitioner's Verified Motion to Recuse*.
13. On February 27, 2019, the Honorable Steve Ellis heard Madeleine Connor's Verified Motion to Disqualify and Verified Motion to Recuse. On this same day, Judge Ellis signed the *Order Denying Petitioner's Plea to the Jurisdiction, Motion to Recuse, and Motion to Disqualify*.
14. On March 8, 2019, the Court entered its *Order Determining Plaintiff a Vexatious Litigant*.
15. On March 19, 2019, Petitioner filed her Request for Findings of Fact and Conclusions of Law in accordance with rule 296 and 297 of the Texas Rules of Civil Procedure. A First Amended Request for Findings of Fact and Conclusions of Law was filed on this same day.
16. On March 26, 2019, Petitioner Connor filed her Notice of Appeal of this matter to the Third Court of Appeals in Case No. 03-19-00198-CV; *Madeleine Connor v. Douglas Hooks and Elizabeth Hooks*.
17. Section 11.054(3) of the Civil Practice and Remedies Code expressly states:

A court may find a plaintiff a vexatious litigant if the defendant shows that there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant and that:

  - (1) the plaintiff, in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, has commenced, prosecuted, or maintained at least five litigations as a pro se litigant other than in small claims court that have been:
    - (A) finally determined adversely to the plaintiff;
    - (B) permitted to remain pending at least two years without having been brought to trial or hearing; or
    - (C) determined by a trial or appellate court to be frivolous or groundless under state or federal laws or rules of procedure;
  - (2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, pro se, either:

- (A) the validity of the determination against the same defendant as to whom the litigation was finally determined; or
- (B) the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined; or
- (3) the plaintiff has previously been declared to be a vexatious litigant by a state of federal court in an action or proceeding based on the same or substantially similar facts, transition, or occurrence.

18. During the seven year-period immediately preceding the date Respondent Douglas Hooks filed his motion per Section 11.051 of the Texas Civil Practice and Remedies Code, Petitioner Madeleine Connor had commenced, prosecuted, or maintained at least five litigations as a pro se litigant other than in small claims court that have been finally determined adversely to Madeleine Connor as required by Section 11.054(1) of the Texas Civil Practice and Remedies Code, as follows:

- a. *Connor v. Castro et al.*, No. D-1-GN-15-003714 (419th Dist. Ct., Travis Cnty., Tex. May 5, 2018).
- b. *McIntyre v. Castro*, No. 1:16-CV-490 RP (W.D. Tex. Apr. 21, 2016).
- c. *In re McIntyre*, No. 03-15-00707, 2015 Tex. App. LEXIS 11725 (Tex. App. – Austin Nov. 13, 2015).
- d. *Connor v. Stephenson et al.*, No. D-1-GN-16-005883 (200<sup>th</sup> Dist. Ct., Travis Cnty., Tex. Nov. 28, 2018).
- e. *In re Connor*, No. 03-18-007722, 2018 Tex. App. LEXIS 10238 (Tex. App. – Austin Dec. 13, 2018).
- f. *McCormick v. Connor*, No. 03-18-00031-CV, 2018 Tex. App. LEXIS 3077 (Tex. App. – Austin May 2, 2018).
- g. *Connor v. Stewart*, No. 1:17-CV-827-RP, 2018 U.S. Dist Lexis 90603 (W.D. Tex. 2018).
- h. *Connor v. Stewart*, No. 1:17-CV-827-RP, 2018 U.S. Dist. LEXIS 14790 (W.D. 2018).

- i. *Connor v. Stewart*, No. 1:17-CV-827-RP, 2018 U.S. Dist LEXIS 99519 (W.D. Tex. 2018).
- j. *Connor v. Stephenson*, No. 03-18-00750-CV, 2018 Tex. App. LEXIS 10831 (Tex. App. – Austin Dec. 28, 2018).
- k. *Connor v. Lost Creek Neighborhood Association*, D-1-GN-17-005950 (459<sup>th</sup> Dist. Ct., Travis Cnty., Tex. March 1, 2019).
- l. *McIntyre v. Castro*, No. 13-17-00565-CV, 2018 Tex. App. LEXIS 7426 (Tex. App. – Corpus Christi Sep. 6 2018).
- m. *McIntyre v. Castro*, No. 13-17-00565-CV, 2019 Tex. App. LEXIS 2525 (Tex. App. – Corpus Christi, Mar. 8 2019).
- n. *McIntyre v. Castro*, 2017 U.S. Dist. LEXIS 62165 (W.D. Tex. 2017).
- o. *Connor v. Castro*, 719 F. App'x 376 (5<sup>th</sup> Cir. 2018).
- p. *Connor v. Castro*, 139 S. Ct. 343 (2018).
- q. *Connor v. Castro*, No. 18-1127, 2019 Tex. LEXIS 7 (Jan. 11, 2019).
- r. *McIntyre v. Castro*, No. 1-15-CV-1100 RP, 2016 U.S. Dist. LEXIS 61555 (W.D. Tex. 2016).

19. Petitioner Madeleine Connor was declared a vexatious litigant by United States District Judge Robert Pitman on August 30, 2018 in *Connor v. Stewart*, No. 1:17-CV-827-RP, 2018 U.S. Dist. LEXIS 147960 (W.E. Tex. 2018). Judge Pittman's opinion states in part:

The present action is the latest Chapter in Connor's history of vexatious litigation against Defendants. The Court finds not only that Connor's Claims were asserted in bad faith but also that she subsequently asserted litigation positions in bad faith during this litigation.

Connor's extensive and meritless litigation history against Defendants and other Lost Creek directors indicates a commitment to use the courts as a weapon of harassment against them.

[T]he Court finds that the imposition of a pre-filing injunction against Connor is warranted. . . . Any future complaint against Defendants or other officers of the Lost Creek Municipal Utility District in this district shall be accompanied by a motion for leave, and no summons shall issue unless leave is granted.

*Id* at 5-9.

20. Judge Pittman's imposition of a pre-filing injunction against Petitioner satisfies Section 11.054(3) of the Texas Civil Practice and Remedies Code for finding Plaintiff a vexatious litigant. The Court finds that Petitioner was declared a vexatious litigant by a federal court. The Court finds that a federal Court determined Petitioner a vexatious litigant.
21. The actions enumerated in Paragraph 18 above were filed by Petitioner in federal court and state court and are based on the same or substantially similar facts, transition, or occurrence as exist in the instant case.
22. At least five cases set out above in item number 18 have ultimately been determined adversely to the Petitioner.
23. After a litigation has been finally determined against Plaintiff Madeleine Connor, she repeatedly re-litigated or attempted to re-litigate, pro se, the cause of action, claim or controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined.
24. All findings of fact that would be more appropriately classified as conclusions of law are hereby adopted as such.

#### **CONCLUSIONS OF LAW**

1. Petitioner Connor filed a non-suit with prejudice to the Rule 202 Petition in Cause No. D-1-GN-18-005130 on January 24, 2019, confirming there was no reasonable probability that she would prevail in the litigation against Respondent Douglas Hooks.
2. Petitioner Madeleine Connor was not left to guess the grounds upon which Respondent Douglas Hooks sought to have her declared a vexatious litigant. In his Motion to Deem Petitioner a Vexatious Litigant, Respondent Douglas Hooks expressly pled that he was asking the Court to deem Petitioner Madeleine Connor a vexatious litigant pursuant to Texas Civil Practice and Remedy Code Section 11.054(3).
3. Plaintiff Madeleine Connor filed her *Special Exceptions to Respondent Elizabeth and Douglas Hook's Motion to Deem Petitioner a Vexatious Litigant* on January 22, 2019. At the vexatious litigant hearing held on January 23, 2019, Petitioner asked the Court to consider her special exceptions. The Court found that Petitioner Madeleine Connor had


not timely filed her special exceptions and found that Petitioner Madeleine Connor had failed to set her special exception for a hearing. As a result, the Court declined to consider Petitioner Madeleine Connor's special exceptions at the January 23, 2019 vexatious litigant hearing.

4. After considering the applicable law, the Court's file, the admissible and credible evidence and testimony presented at trial, the parties pleadings and briefs, including witness testimony presented by Petitioner Madeleine Connor and supplemental evidence filed by Petitioner Madeleine Connor as permitted by the Court, the Court finds that Petitioner Madeleine Connor is determined a vexatious litigant as defined by the statute.
5. Plaintiff Madeleine Connor, having been found to be a vexatious litigant, is prohibited from filing, on her own behalf as a pro se litigant, any new litigation in any state district or statutory county court in Texas, against any party, as provided by Section 11.102 of the Texas Civil Practice and Remedies Code, as follows:

PERMISSION BY LOCAL ADMINISTRATIVE JUDGE. (a) A vexatious litigant subject to a pre-filing order under Section 11.101 is prohibited from filing, pro se, new litigation in a court to which the order applies without seeking the permission of:

- (1) The local administrative judge of the type of court in which the vexatious litigant intends to file, except as provided by Subdivisions (2); or
  - (2) The local administrative district judge of the county in which the vexatious litigant intends to file if the litigant intends to file in a justice or constitutional county court.
  - (3) A vexatious litigant subject to a pre-filing order under Section 11.101 who files a request seeking permission to file litigation shall provide a copy of the request to all defendants named in the proposed litigation.
6. All conclusions of law that would be more appropriately classified as findings of fact are hereby adopted as such.

Signed this 8 day of April 2019.

  
The Honorable Catherine A. Mauzy  
Judge Presiding

CAUSE NO. D-1-GN-18-005130

*IN RE MADELEINE CONNOR*

§ IN THE DISTRICT COURT  
§  
§  
§ 201st JUDICIAL DISTRICT  
§  
§  
§ OF TRAVIS COUNTY, TEXAS

**NOTICE OF APPEAL**

**TO THE HONORABLE DISTRICT JUDGE CATHERINE MAUZY:**

COMES NOW, Petitioner Madeleine Connor, and files this her notice of appeal from the Court's March 8, 2019, order "Determining Plaintiff [sic] a Vexatious Litigant."

The trial court is the Honorable Catherine Mauzy, of the 419th District Court of Travis County, and the trial court number and style from which Petitioner appeals is *In re Madeleine Connor*, D-1-GN-18-005130, in the 201st District Court of Travis County, Texas.

The order appealed from was signed and filed on March 8, 2019. Petitioner, Madeleine Connor desires to appeal all decisions of fact and law from the March 8, 2019, order, and any and all implicit decisions from the order, and any decisions to be made in the case.

Petitioner, Madeleine Connor, desires to appeal to the Third Court of Appeals. Petitioner Madeleine Connor is the party filing the appeal. The appeal is accelerated.

WHEREFORE, PREMISES CONSIDERED, Petitioner Connor seeks review of all adverse rulings made, or to be made, by the Court in this cause number.

Respectfully submitted,

s/ Madeleine Connor

Madeleine Connor

SBOT # 24031897

P.O. Box 161962

Austin, Texas 78716-1962



(512) 289-2424  
(512) 329-5229 (fax)  
mgbconnor@yahoo.com  
*Attorney pro se for Madeleine Connor*

### **CERTIFICATE OF SERVICE**

I certify that this instrument was served by electronic service, on the following persons on the 26th day of March 2019: Robert Nunis at bnunis@nunislaw.com, Sherry Rasmus at sgrasmus@rasmusfirm.com.

s/ Madeleine Connor  
Madeleine Connor